

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JENNIFER CRISP,

Plaintiff,

V.

VANCO EXPLORATION COMPANY

Defendant.

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**Civil Action No. 11-1690
JURY TRIAL DEMANDED**

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Jennifer Crisp brings this cause to recover damages for violations of the Family and Medical Leave Act by defendant Vanco Exploration Company.

A. Nature of Suit

1. The Family and Medical Leave Act (FMLA) is designed "to entitle employees to take reasonable leave for medical reasons..." 29 U.S.C. § 2601(b)(2). To achieve its goals, the FMLA entitles an eligible employee "to a total of 12 workweeks of leave during any 12-month period...[b]ecause of a serious health condition that makes the employee unable to perform the functions of the position of such employee." 29 U.S.C. § 2612(a)(1).

2. Defendant violated the FMLA by failing to allow plaintiff, an eligible employee, to exercise her rights under the FMLA due to a serious health condition. Accordingly, plaintiff brings this action to recover damages from defendant's interference with her exercise of FMLA rights. 29 U.S.C. §§ 2615 and 2617.

B. Parties

3. Plaintiff, Jennifer Crisp, is a citizen of the State of Texas.

4. Defendant, Vanco Exploration Company, a Delaware corporation conducting business in Texas, may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, Texas 75201-4234.

C. Jurisdiction

5. This Court has jurisdiction over the subject matter of this action under 29 U.S.C. § 2617.

6. Plaintiff's claims arise under Sections 2612, 2614, 2615, and 2617 of the FMLA. In connection with the acts and courses of conduct alleged in this complaint, Plaintiff was employed by defendant for at least three years and worked at least 1,250 hours for Defendant during a twelve-month period prior to the commencement of her leave. Further, defendant is an employer who engages in commerce or in the production of goods for commerce and is therefore covered by the FMLA.

D. Venue

7. Venue is appropriate in the United States District Court for the Southern District of Texas, Houston Division, in that defendant herein has significant contacts with the district, plaintiff resides within this district, and the events that give rise to this cause of action occurred in this district.

E. Facts

8. Plaintiff began working for defendant as a full-time employee in approximately November, 2007. On or about March 5, 2011, plaintiff was injured in an automobile accident. Plaintiff's injuries caused her to miss several weeks of work. On or about March 30, 2011, defendant notified plaintiff that her employment was being terminated. The reason for plaintiff's termination was her temporary inability to report for work.

9. Defendant's termination of plaintiff's employment was in violation of the FMLA. Defendant has not made a good faith effort to comply with the FMLA. Rather, defendant knowingly, willfully or with reckless disregard carried out its illegal pattern or practice regarding medical leave to plaintiff.

F. Causes of Action

10. Plaintiff incorporates herein by reference all allegations contained in paragraphs 1 through 10.

11. Defendant's termination of plaintiff violated the Family and Medical Leave Act, 29 U.S.C. section 2601, *et seq.*, in that said termination was based on absences which are covered by the Act. As a direct and proximate result of defendant's unlawful conduct, plaintiff suffered injuries and damages for which she sues. In addition to his lost wages, plaintiff is entitled to attorney fees, costs, and an award of liquidated damages within the meaning of the FMLA (double damages).

G. Demand for Jury Trial

12. Plaintiff, Jennifer Crisp, asserts her rights under the Seventh Amendment to the U.S. Constitution and demands, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

H. Prayer

WHEREFORE, plaintiff respectfully requests judgment be entered in her favor awarding her:

- a. General and compensatory damages;
- b. An equal amount as liquidated damages as allowed under the FMLA;
- c. An injunction against future violations;
- d. Reasonable attorney's fees, costs and expenses of this action as provided by the FMLA; and
- e. Such other and further relief as may be required by law.

Respectfully submitted,

By: _____/s/
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